UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

WELLS FARGO BANK, NA,	:	Case No. 1:16-cv-924
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Karen L. Litkovitz
vs.	:	
	:	
THOMAS L. BRAME, SR., *et al.*,	:	
	:	
Defendants.	:	

DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 8)

This case is before the Court pursuant to the Order of General Reference in the

United States District Court for the Southern District of Ohio Western Division to United

States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate

Judge reviewed the pleadings filed with this Court and, on September 23, 2016,

submitted a Report and Recommendation. (Doc. 8). No objections were filed.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has

reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all

of the filings in this matter. Upon consideration of the foregoing, the Court does

determine that such Report and Recommendations should be and is hereby adopted in its

entirety. Accordingly, **IT IS ORDERED** that:

1) Defendants' construed petition for removal (*see* Doc. 1-1) is **DENIED**;

2) This matter is **REMANDED** to the state court;

3) Plaintiff's motion to remand (Doc. 10) is **DENIED** as moot;

4) This matter is **DISMISSED** from the docket of this Court;

Furthermore, the Court certifies that pursuant to 28 U.S.C. § 1915(a), an appeal of this Order would not be taken in good faith. Therefore, Defendants are denied leave to appeal *in forma pauperis*. Defendants remain free to apply to proceed *in forma pauperis* to the Sixth Circuit Court of Appeals. *See Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999), overruling in part *Floyd v. United States Postal Serv.*, 105 F.3d 274, 277 (6th Cir. 1997).

         IT IS SO ORDERED.

Date: 10/27/16   *s/Timothy S. Black*
                                                    Timothy S. Black
                                                    United States District Judge